

## REMARKS

With respect to the objection under Section 112 to claim 9, the word “upper” has been removed. Then, in the illustrated embodiment, the electrode could be the item 62. Therefore, the objection is overcome.

With respect to claim 15, the claim has been amended to overcome the objection.

With respect to the comments in the fourth paragraph under item 1, on page 2 of the office action, it is respectfully suggested that the comments seem to assume that the claims require some specific sequence. To the contrary, the claims require no specific sequence and, therefore, the steps can be performed in any order.

With respect to the objection the claim 18, the claim has been amended to overcome the deficiency.

With respect to claim 20, it is believed that the comments, again, are based on the belief that the claims require some sequence and, in this case, they do not since no sequence is properly implied, nor language of a specific order of steps is included in the claims.

The objection to claim 29 has been overcome by amending the claim.

Reconsideration of the rejection of claims 21 and 27 is respectfully requested. The Applicant has obtained a translation and, based on the translation, copy attached, it is clear that the Examiner’s attempt to decipher the foreign language document is not completely correct. Specifically, in paragraph 3 of the office action on page 4, it is indicated that the item 4 is a via. To the contrary, from the translation, it is clear that the item 4 is the supposed phase change layer of the asserted phase change threshold switch. Thus, the item 4 cannot possibly constitute a via, a damascene via, or a via to a conductive line in the periphery of the phase change memory since, it is not a via, it is not a damascene via, it is not a via to a conductive line, and it is not in the periphery of the phase change memory.

Therefore, reconsideration of the rejection of claim 21 is requested.

With respect to claim 27, it is suggested that the layer 6 is the barrier layer. However, it is noted that, even if the layer 6 had been a barrier layer, it is not between the threshold switch and the phase change memory. As is made clear from the translation, the layer 6 is an insulating layer which is part of the memory element 9. There is no barrier layer between the memory element 9 and the decoupling element 10.

Therefore, reconsideration is respectfully requested.

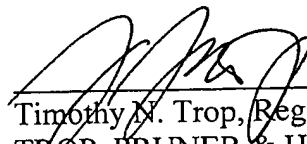
In paragraph 5 of the office action, claim 1 was rejected under Section 102, based on Parkinson. However, the asserted damascene via 340 is not a via in the periphery. The term "periphery" is a term of art and it means outside the memory array. The office action clearly notes that the asserted via is part of the memory cell, it is not a via in the periphery. Therefore, reconsideration of the rejection is respectfully requested.

In view of these remarks, the application should now be in condition for allowance.

Respectfully submitted,

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